

1 TONY WEST  
Assistant Attorney General

2 JOSEPH P. RUSSIONIELLO  
United States Attorney

3  
4 ELIZABETH J. SHAPIRO  
Deputy Branch Director  
5 CARLOTTA P. WELLS  
Senior Trial Counsel  
6 United States Department of Justice  
Civil Division  
7 Federal Programs Branch  
Post Office Box 883  
8 Washington D.C. 20044  
Tel: (202) 514-4522  
9 Fax: (202) 616-8470  
carlotta.wells@usdoj.gov

10 Attorneys for Defendants  
11

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 JOSHUA GERSTEIN,  
17 Plaintiff,

18 v.

19 CENTRAL INTELLIGENCE AGENCY,  
et al.,  
20 Defendant.  
21

) Case No. C 06-04643 MMC  
)  
)

**STIPULATION TO EXTEND  
DEADLINE FOR FILING CASE  
MANAGEMENT REPORT AND TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE AND ~~PROPOSED~~  
ORDER**

22 The parties hereby stipulate to extend the deadline for filing the Joint Case Management  
23 Report, which is currently due October 9, 2009, and to continue the case management conference  
24 set for October 16, 2009. The bases for this stipulation are as follows:

25 1. As of March 6, 2009, the following motions were fully briefed and submitted to the  
26 Court: defendant's renewed motion for summary judgment; plaintiff's motion for partial summary  
27 judgment against defendant Central Intelligence Agency; and plaintiff's motion to modify  
28

1 stipulation and order dismissing certain pending claims. These motions address all issues  
2 presently outstanding in this case.

3 2. By order dated July 30, 2009, the Court set the above-noted case management report  
4 and conference dates.

5 3. Inasmuch as the Court has yet to issue decisions with respect to the pending motions, it  
6 is difficult for the parties to identify the issues that may remain in the case for purposes of drafting  
7 and filing a case management report. Similarly, without knowing the extent to which issues may  
8 remain in the case after the Court decides the pending motions, it does not make sense to hold a  
9 case management conference.

10 4. For these reasons, the parties request that the present deadlines be vacated and that the  
11 case management report currently due on October 9, 2009 be deferred until two weeks after the  
12 Court rules on the pending motions. The parties further request that a case management  
13 conference be scheduled at the Court's first regular Friday 10:30 a.m. session at least three weeks  
14 after the Court rules on the pending motions.

15 Respectfully submitted,

16 JOSHUA GERSTEIN

TONY WEST  
Assistant Attorney General

17  
18 /s/  
19 Plaintiff

/s/  
Carlotta P. Wells  
Senior Trial Counsel  
United States Department of Justice  
Civil Division  
Federal Programs Branch

20  
21  
22  
23 Dated: October 9, 2009


Dated: October 9, 2009

~~PROPOSED~~ ORDER

1 Upon consideration of the parties' stipulation, the case management report presently due  
2 one week before the next scheduled case management conference.  
3 on October 9, 2009 shall be due ~~two weeks after the Court rules on the pending motions.~~ The  
4 case management conference, which is presently scheduled for October 16, 2009, is ~~continued to~~ hereby  
5 VACATED, and will be reset by the Court, as necessary, following the Court's ruling on the pending motions.  
6 the Court's first regular Friday 10:30 a.m. session at least three weeks after the Court rules on the  
7 pending motions.

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: October 14, 2009

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
MAXINE M. CHESNEY  
United States District Judge